

REMARKS

The 29 November 2010 Official Action and the references cited therein have been carefully reviewed. In view of the amendments presented herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, Applicants would like to thank Examiners Singh and Paras for taking the time to conduct a telephonic interview regarding this official action on December 21, 2010. During the interview, Applicants reiterated their concerns regarding the protracted prosecution of this application. It was noted that the instant obviousness rejections are quite similar rejections previously overcome earlier in prosecution. During the interview it was agreed that if the base claim were limited to administration of *an immunosuppressant consisting of cyclophosphamide*, the case would be in condition for allowance. Applicants understanding of this agreement was confirmed in the Interview Summary provided by Examiner Singh dated December 28, 2010.

As discussed during the Interview, the patentability of the presently claimed method over the combination of Wilson et al., Conti-Fine and Nilsson et al. has previously been established. However, in order to expedite allowance of the instant application, claim 1 has been amended to recite that the immunosuppressant consists of cyclophosphamide.

CONCLUSION

It is respectfully requested that the amendments presented herewith be entered in this application. In view of the foregoing amendments and remarks, Applicants submit that claims 1, 2, 28, 43 and 44 are in condition for allowance. Applicants also respectfully request any patent term adjustment available for this application.

The claims as presently amended are also believed to eliminate certain issues and better define other issues which would be raised on appeal, should an appeal be necessary in this case. Therefore, it is respectfully urged that the rejections set forth in the 29 November 2010 Official Action be withdrawn and that this application be passed to issue. A notice of allowance is earnestly solicited.

In the event the Examiner is not persuaded as to the allowability of any claim, and it appears that any outstanding issues may be resolved through a further telephonic interview, the Examiner is requested to telephone the undersigned attorney at the phone number given below. If a fee is required or an overpayment is made, the Commissioner is authorized to charge or

credit the deposit account of the undersigned, Account No. 04-1406.

Respectfully submitted,

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Date: 1 February 2011

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